

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
At Greenbelt

In Re:	:	
	:	
MINH VU HOANG	:	Case No. 05-21078-NVA
THANH HOANG	:	Case No. 05-25738-NVA
	:	(Chapter 7)
Debtor	:	(Jointly Administered Under
	:	No. 05-21078-NVA)

	:	
GARY A. ROSEN, Chapter 7 Trustee	:	
for Minh Vu Hoang and Thanh Hoang	:	
	:	
Plaintiff	:	
	:	
v.	:	Adversary Proceeding No.
	:	_____
BALLENGER GENERAL PARTNERSHIP	:	
	:	
and	:	
	:	
BALLENGER, LLC	:	
	:	
and	:	
	:	
ALEX LE	:	
Defendant	:	

COMPLAINT FOR DECLARATORY JUDGMENT AS TO REAL PROPERTY
(10405 Denver Terrace, Upper Marlboro, MD 20774)

Gary A. Rosen, the Chapter 7 Trustee for the above-captioned estates, by undersigned counsel, submits this Complaint for Declaratory Judgment, pursuant to Rule 7001 of the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. §541, and as reasons therefor states as follows:

1. This adversary proceeding arises and relates to the jointly administrated cases

pending before this Court.

2. On or about May 10, 2005, the Debtor, Minh Vu Hoang, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Maryland. Gary A. Rosen was appointed as Chapter 11 Trustee on August 31, 2005.

3. On July 12, 2005, the Debtor, Thanh Hoang, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Maryland. By Order of this Court entered September 22, 2005, said Chapter 11 proceeding was converted to a case under Chapter 7 of the United States Bankruptcy Code. Gary A. Rosen was appointed as Chapter 7 Trustee on September 23, 2005.

4. On September 27, 2005, this Court entered a Consent Order Providing for Joint Administration of Cases, consolidating Minh Vu Hoang's case with the case of her husband, Thanh Hoang, Case No. 05-25738-NVA, to be jointly administered under Case No. 05-21078-NVA.

5. On October 28, 2005, this Court converted Minh Vu Hoang's case to a case under Chapter 7, and Gary A. Rosen was appointed as the Chapter 7 Trustee.

JURISDICTION

6. The Trustee brings this adversary proceeding pursuant to Rule 7001 of the Bankruptcy Rules of Procedure and 11 U.S.C. §541, seeking the determination that certain real property located at 10405 Denver Terrace, Upper Marlboro, MD 20774 is an asset of the Debtor's estate.

7. This proceeding is a core proceeding of which a bankruptcy court is authorized to hear and determine all matters, in accordance with 28 U.S.C. §§157(b)(2)(A)(o).

PARTIES

8. The Trustee is the duly appointed and acting Chapter 7 Trustee for the Chapter 7 estates of Minh Vu Hoang and Thanh Hoang.

9. The Defendants are Ballenger General Partnership, Ballenger LLC and Alex Le.

FACTS

10. On March 5, 1999, Maryland Homes, LLC transferred improved real property located at 10405 Denver Terrace, Upper Marlboro, MD 20774 (the "Real Property") to Michelle and Juan Curtis for \$257,750.00 (see printout from the State Department of Assessments and Taxation attached hereto as Exhibit A).

11. On May 10, 2005, the Real Property was sold at public sale to Ballenger General Partnership ("Ballenger").

12. Upon information and belief, Ballenger is not, and never was, a valid general partnership and is, in fact, merely an alter ego of Minh Vu Hoang and Thanh Hoang.

13. On July 18, 2005, the public sale was ratified by the Circuit Court for Prince George's County.

14. On July 22, 2005, Ballenger settled on the Real Property with the Substitute Trustees. As of this time, the title to the Real Property is still listed in the names of Michelle

and Juan Curtis. (See printout from the State Department of Assessments and Taxation attached hereto as Exhibit A).

15. Accordingly, the undersigned Trustee asserts that the Real Property is an asset of the estates of Minh Vu Hoang and Thanh Hoang pursuant to 11 U.S.C. §541.

16. Notwithstanding the foregoing, upon information and belief, Alex Le ("Le") contends that he is the sole owner of Ballenger General Partnership, and hence, the Real Property. The Trustee disputes such assertion.

17. Upon information and belief, Le further states that he has conveyed Ballenger General Partnership to a limited liability company, Ballenger, LLC, after the closing of the Real Property and after transfer of the deed from the Trustees to Ballenger.

18. The Trustee is seeking an order determining that the Real Property is owned solely by the above-captioned estates, pursuant to 11 U.S.C. §541..

WHEREFORE, the Trustee requests that this Court enter an Order determining that the real property located at 10405 Denver Terrace, Upper Marlboro, MD 20774 is solely owned by the estates of Minh Vu Hoang and Thanh Hoang, and grant such other and further relief as is just and proper.

GARY A. ROSEN, CHARTERED

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